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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/494,401	01/31/2000	Christopher J. Buse	922-81	3358

7590 06/02/2003
Nixon & Vanderhyde PC
1100 North Glebe Road 8th Floor
Arlington, VA 22201-4714

EXAMINER

JAROENCHONWANIT, BUNJOB

ART UNIT	PAPER NUMBER
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2141

8

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/494,401	BUSE ET AL.	
	Examiner	Art Unit	
	Bunjob Jaroenchonwanit	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the communication filed 04/18/2003. Claims 1-12 are pending for examination, the objections and rejections cited are as stated below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamalanathan (US. 5,978,373) and Ford (US 6,101,499) (cited in previous action).

4. Claims 1, 2, 5, 7, 8, 10 and 11, Kamalanathan discloses the invention substantially, as claimed, including a method of allocation protocol address to a device connected to a communication network, comprising:

placing on or broadcast the network an interrogation in the form of a first control frame from a proxy, said proxy being separate from said device (DMIAdmin broadcast discovery packet from administrator device, which is located separately from the client devices, the administrator device is considered as a claimed proxy, in light of claimed physical location and functionality, abstract, Fig. 1);

receiving at the proxy a response from said device in the form of a second control frame which defines a protocol address for said device (the administrator received reply packets, which included MAC address, name and IP address from each the devices, abstract).

Kamalanathan does not explicitly disclose determining whether the address is invalid and allocating new network address if it were invalid.

However, allocating address and testing network address was known and applied in several applications in the networking art, including one indicated in an analogous art, Ford, which its teaching included automatically assign IP address, manual assign IP address to and Dynamic configuration IP address for network device. Furthermore, Ford teaches testing for conflicting address and reassigning a new address to the device, which is a clear teaching of determining whether the network address assigned to a device is invalid (Col. 2, lines 27-42cl. 3, lines 13-46; Col. 8, lines 29-49; Col. 9, line35-Col. 10, line 40).

Thus, it would have obvious to one of ordinary skill in the art at the time of the invention was made to incorporate Ford's notion of validation and allocation addresses with Kamalanathan system or vice versa. Because combining them, one would achieve a system that highly efficiency in dealing with address allocation, capable of improving performance by preventing sluggishness in communication, which could result from conflicting-addresses.

5. Claims 3, 9 and 12, in addition to the discussion above, Kamalanathan-Ford, further, discloses obtaining a protocol address for said device by means of a request addressed according to a dynamic host communication protocol (Ford teaches obtaining address in according to the DHCP, Col. 2, lines 28-39).

6. Claims 4 and 6, Kamalanathan-Ford discloses the invention substantially, as claimed, as discussed in claim 3 and 5, but does not explicitly suggest address allocation must perform in order of steps (a), (b) and (c) until the protocol address is obtained.

As discussed above, all address allocation steps have been taught by Ford (see claim 1), the purpose of employing these steps is for assigning valid network address to network device. No matter, which order the allocation steps are being performed, one would achieve the same

result, i.e., assigning valid network address to network devices. Thus, ordering steps it merely a matter of design choice, which depends on desirable circumstance.

7. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

8. Examiner noted that applicant emphasized argument in at a proxy, which being separated from client devices, however, without defining specific distinction of the proxy, any server, agent, terminal or administrator station, which send a frame or a packet to acquire information from clients' device would read on "a proxy being separate from said client device". The teaching in the specification (Fig. 2), which may advance prosecution, may be the combination of interrogation frame and its op-code, which is not being claimed.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.



Bunjob Jaroenchonwanit
Examiner
Art Unit 2141

/bj
May 29, 2003